

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2564
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. *2008-298*

NORA L. MCINTIRE
AKA NORA L. MCGOWAN
AKA NORA LUCCI
AKA NORA LUCCI MCINTIRE
AKA NORA LUCCI STERN
4712 Admiralty Way, #185
Marina Del Rey, CA 90292
Registered Nurse License No. 503586

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing.
2. On or about September 9, 1944, the Board of Registered Nursing issued Registered Nurse License Number 503586 to Nora L. McIntire aka Nora L. McGowan aka Nora Lucci aka Nora Lucci McIntire aka Nora Lucci Stern (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2008, unless renewed.

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4

5

6
7
8
9

0
1
2
3
4

5

67

8

90

1

2
3
4

5

6

73

1 under this chapter to do any of the following:

2 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
3 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
4 or administer to another, any controlled substance as defined in Division 10 (commencing with
5 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
6 defined in Section 4022.

7

8 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
9 entries in any hospital, patient, or other record pertaining to the substances described in
10 subdivision (a) of this section."

11 8. Health and Safety Code section 11350 states in pertinent part:

12 (a) Except as otherwise provided in this division, every person who possesses
13 (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f)
14 of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
15 or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
16 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
17 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
18 licensed to practice in this state, shall be punished by imprisonment in the state prison.

19

20 9. Health and Safety Code section 11173 states:

21 (a) No person shall obtain or attempt to obtain controlled
22 substances, or procure or attempt to procure the administration of or prescription
23 for controlled substances, (1) by fraud, deceit, misrepresentation , or subterfuge;
24 or (2) by the concealment of a material fact.

25 (b) No person shall make a false statement in any prescription,
26 order, report, or record, required by this division.

27 10. California Code of Regulations, title 16, section 1442 states:

28 As used in Section 2761 of the Code, "gross negligence" includes an

1 extreme departure from the standard of care, which, under similar circumstances,
2 would have ordinarily been exercised by a competent registered nurse. Such an
3 extreme departure means the failure to provide nursing care as required or failure
4 to provide care or to exercise ordinary precaution in a single situation in which the
5 nurse knew, or should have known, could have jeopardized the client's health or
6 life.

7 11. California Code of Regulations, title 16, section 1443 states:

8 "As used in Section 2761 of the code, 'incompetence' means the lack of
9 possession of or the failure to exercise that degree of learning, skill, care and experience
10 ordinarily possessed and exercised by a competent registered nurse as described in Section
11 1443.5."

12 12. California Code of Regulations, title 16, section 1443.5, states:

13 A registered nurse shall be considered to be competent when
14 he/she consistently demonstrates the ability to transfer scientific knowledge from
15 social, biological and physical sciences in applying the nursing process, as
16 follows:

17 (1) Formulates a nursing diagnosis through observation of the
18 client's physical condition and behavior, and through interpretation of information
19 obtained from the client and others, including the health team.

20 (2) Formulates a care plan, in collaboration with the client, which
21 ensures that direct and indirect nursing care services provide for the client's safety,
22 comfort, hygiene, and protection, and for disease prevention and restorative
23 measures.

24 (3) Performs skills essential to the kind of nursing action to be
25 taken, explains the health treatment to the client and family and teaches the client
26 and family how to care for the client's health needs.

27 (4) Delegates tasks to subordinates based on the legal scopes of
28 practice of the subordinates and on the preparation and capability needed in the

1 tasks to be delegated, and effectively supervises nursing care being given by
2 subordinates.

3 (5) Evaluates the effectiveness of the care plan through
4 observation of the client's physical condition and behavior, signs and symptoms of
5 illness, and reactions to treatment and through communication with the client and
6 health team members, and modifies the plan as needed.

7 (6) Acts as the client's advocate, as circumstances require, by
8 initiating action to improve health care or to change decisions or activities which
9 are against the interests or wishes of the client, and by giving the client the
10 opportunity to make informed decisions about health care before it is provided.

11 13. Section 118 of the Code states:

12 “(a) The withdrawal of an application for a license after it has been filed with a board in
13 the department shall not, unless the board has consented in writing to such withdrawal, deprive
14 the board of its authority to institute or continue a proceeding against the applicant for the denial
15 of the license upon any ground provided by law or to enter an order denying the license upon any
16 such ground.

17 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
18 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
19 order of a court of law, or its surrender without the written consent of the board, shall not, during
20 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
21 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
22 provided by law or to enter an order suspending or revoking the license or otherwise taking
23 disciplinary action against the licensee on any such ground.

24 “(c) As used in this section, ‘board’ includes an individual who is authorized by any
25 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes ‘certificate,’
26 ‘registration,’ and ‘permit.’”

27 14. Section 125.3 of the Code provides, in pertinent part, that the Board may
28 request the administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 15. CONTROLLED SUBSTANCES

4 A. Toradol is a trade name for Ketorolac or ketorolac tromethamine. It is a
5 controlled substance that is available only by prescription. It is categorized as a "dangerous
6 drug" pursuant to Business and Professions Code section 4022.

7 B. "Demerol," is a trade name for the narcotic substance Meperidine
8 hydrochloride or Pethidine. It is a Schedule II controlled substance as designated by Health and
9 Safety Code section 11055(c)(17) and is categorized as a "dangerous drug" pursuant to Business
10 and Professions Code section 4022.

11 C. "Dilaudid" is a trade name for the narcotic substance Hydromorphone.
12 It is a Schedule II controlled substance as designated by Health and Safety Code section
13 11055(b)(1)(K) and is categorized as a "dangerous drug" pursuant to Business and Professions
14 Code section 4022.

15 D. "Percocet" is a trade name for the narcotic substance Oxycodone when
16 mixed with the supplemental analgesics acetaminophen. It is a Schedule II controlled substance
17 as designated by Health and Safety Code section 11055(b)(1)(N) and is categorized as a
18 "dangerous drug" pursuant to Business and Professions Code section 4022.

19 E. "Norco" is a trade name for a medication containing hydrocodone and
20 acetaminophen. It is a Schedule III controlled substance as designated by Health and Safety
21 Code section 11056 and is categorized as a "dangerous drug" pursuant to Business and
22 Professions Code section 4022. (Trade names include Vicodin, Lortab, and Norco.)

23 F. "Klonopin" is a trade name for Clonazepam a highly potent anti-
24 convulsant and anxiolytic. It is a Schedule IV controlled substance as designated by Health and
25 Safety Code section 11057 and is categorized as a "dangerous drug" pursuant to Business and
26 Professions Code section 4022.

27 ///

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Incompetence or Gross Negligence)

3 16. Respondent's license is subject to disciplinary action under Business and
4 Professions Code section 2761, subdivisions (a)(1) on the grounds of unprofessional conduct, in
5 that Respondent demonstrated incompetence or gross negligence, in that Respondent engaged in
6 the following conduct which is an extreme departure from the standard of care of a registered
7 nurse:

8 Encino-Tarzana Regional Medical Center (ETRMC)

9 17. Respondent was employed as a registered nurse at Encino-Tarzana
10 Regional Medical Center (ETRMC) in the Encino Campus on the Medical/Surgical Unit in Los
11 Angeles, California between September 27, 2004 and December 10, 2004.

12 18. On or about November 29, 2004, while employed at ETRMC, Respondent
13 received an order for the administration of "Dilaudid 2 mg" that did not specify whether the order
14 was for "IM" (injection) or "PO" (oral administration) for the patient # 267596. Respondent
15 administered the Dilaudid to the patient intravenously, notwithstanding the ETRMC policy that
16 where administration is not specified, oral administration should be given. Moreover, the order
17 was thereafter clarified by the prescribing doctor to be an oral administration.

18 19. On or about December 3, 2004, while employed at ETRMC, Respondent
19 withdrew and administered Percocet to patient #209014 on or about 10:30 as reported in the
20 Medication Administration Record (MAR). Respondent also withdrew Dilaudid 2mg at 08:30
21 and 11:45 for this patient but did not record its administration in the MAR. The patient was
22 thereafter discharged at 13:00. Hospital records do not account for 4mg of Dilaudid withdrawn
23 by Respondent.

24 Century City Doctors Hospital

25 20. Respondent was employed as a registered nurse at Century City Doctors
26 Hospital in the Orthopedic/Neurological Department in Los Angeles, California between April
27 10, 2006 and September 26, 2006.

28 21. On or about May 23, 2006, while employed at Century City Doctors

1 Hospital, Respondent charted that she had given patient "R.S." 2 Norco tablets and Dilauded 2
2 mg IVP. Respondent did not administer the Norco tablets and failed to properly waste them.

3 22. Following the incident on May 26, 2006, Respondent met with hospital
4 personnel and stated that she could not recall whether she had given the Norco tablets to the
5 patient or discarded them. Respondent was placed on 30-day suspension for her careless
6 handling of narcotics.

7 23. On or about June 8, 2006, Respondent provided Century City Doctors
8 Hospital with a written five (5)-point plan for better charting and wasting of medications.

9 24. On or about September 14, 2006, while employed at Century City Doctors
10 Hospital, Respondent signed out two (2) Demerol syringes 9:53 and 13:47 from Pxysis, but no
11 patient administration was charted. Hospital records do not account for the two (2) Demerol
12 syringes withdrawn by Respondent.

13 25. On or about September 20, 2006, while employed at Century City Doctors
14 Hospital, Respondent removed Klonopin 2mg tablets according to the Pxysis records. Hospital
15 records do not account for a two mg tablet of Klonopin.

16 26. On or about September 20, 2006, while employed at Century City Doctors
17 Hospital, Respondent reported the administration of Demerol 150 mg and Toradol 30 IVP to the
18 same patient within 5 minutes of each other. The chart for patient # 108982 reflects the
19 following medications administered by Respondent: Demerol 75 mg at 07:34; Toradol 30 IVP at
20 08:24; and 14:49 and Demerol 150 mg at 14:54. Patient was discharged at 15:10 hours.

21 27. On or about September 21, 2006, while employed at Century City Doctors
22 Hospital, Respondent withdrew Dilauded 2mg, but no administration was charted. Hospital
23 records do not account for Dilauded 2mg withdrawn by Respondent.

24 28. On or about September 21, 2006, while employed at Century City Doctors
25 Hospital, Respondent charted that she had given patient "W.S." 2 doses of Demerol 75mg at
26 10:15 and 10:53. The doctor's order was for administration every three (3) hours.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0

[illegible]

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

5
6
7
3
9
0
1
2
3
4
5
6
7
;

9
0
1
2
3
4
5
6
7
8

0
1
2
3
4
5
6
7
;

1
2
3
4
5
6
7
8

573

1 not account for 4mg of Dilaudid.

2 35. On or about May 23, 2006, while employed at Century City Doctors
3 Hospital, Respondent charted that she gave patient "R.S." two (2) Norco tablets, a Schedule III
4 controlled substance. Respondent, however, did not administer the Norco tablets and failed to
5 properly waste them.

6 FOURTH CAUSE FOR DISCIPLINE

7 (Falsify Hospital Records)

8 36. Respondent's license is subject to disciplinary action under Business and
9 Professions Code section 2761, subdivision (d) on the grounds of unprofessional conduct, as
10 defined in section 2762, subdivision (e), in that while employed at ETRMC and Century City
11 Doctors Hospital, Respondent falsified, or made grossly incorrect, or grossly inconsistent, in
12 hospital and patient records as described above in paragraphs 19, 21, 24-25 and 27.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 503586, issued
17 to Nora L. McIntire aka Nora L. McGowan aka Nora Lucci aka Nora Lucci McIntire aka Nora
18 Lucci Stern.

19 2. Ordering Nora L. McIntire Aka Nora L. McGowan Aka Nora Lucci Aka
20 Nora Lucci McIntire Aka Nora Lucci Stern to pay the Board of Registered Nursing the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3;

23 ///

24 ///

25 ///

26 ///


27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: 4/23/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

LA2007602284
60271071.wpd